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**T**HE ADMINISTRATIVE OFFICE of the United States Courts implements the policies of the Judicial Conference of the United States and supports its network of committees. The agency provides essential administrative, management, and program support and services to the federal courts. Although this has been the basic mission of the Administrative Office since it was created in 1939, changing judicial needs over the years have significantly altered its functions and structure. The Administrative Office has evolved into an organization that provides complex legal, program, planning, management, and automation services and policy guidance to a greatly expanded judiciary.



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Office of Management Coordination

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# M

## MESSAGE FROM THE DIRECTOR

The Administrative Office of the United States Courts is a unique entity in government. Neither the executive branch nor Congress has any one comparable organization that provides the broad range of services and functions that this agency provides for the judicial branch. The work of all employees—from the statisticians gathering and analyzing data, to the attorneys researching legal issues or preparing manuals, the financial analysts developing the judiciary's budget or preparing accounting reports, the computer programmers designing new software, and the personnel specialists answering phone inquiries—help support judges and court employees nationwide to ensure that the judicial machine runs smoothly.

Fiscal year 1993 proved to be particularly challenging for the Administrative Office as well as the entire judiciary. Severe budget restraints required us to look carefully at every aspect of judicial administration. And, the workload burdens shouldered by both the federal courts and the Administrative Office continued to grow.

In his year-end report on the federal courts, Chief Justice William H. Rehnquist wrote that the federal courts must continue to adjust to the demands of a time of austerity. "Just as now we have a clearer sense that federal budget resources are finite, we need also to recognize that the judicial machinery the budget supports is a scarce commodity," Justice Rehnquist added.

So, it is time for us to focus on basic questions: What does our country want and need from our federal court system? And, how can it be obtained? All three branches of government must work together to develop answers to these questions. The judicial branch is prepared to meet the challenge. The flexibility and capability of its decision-making structures will allow it to respond quickly and effectively.

Over the course of the past year, the Executive Committee of the Judicial Conference at the request of Chief Justice Rehnquist increased its efforts to improve cooperation between the judiciary and the two political branches. In response, I formed the Task Force on Three Branch Coordination here at the Administrative Office to support the Committee's work. The goal of the Task Force is to enhance our communication and strengthen our solid working relationship with the legislative branch. It will also reach out to executive branch agencies, particularly the Department of Justice, to increase communication and support our interaction on matters of mutual concern. Also, plans are underway

for a national conference on cooperative federalism, to be attended by representatives of the executive, legislative, and judicial branches, and representatives from state organizations interested in the administration of justice.

The new Economy Subcommittee of the Budget Committee as well as all the committees of the Conference are focused on examining opportunities for controlling the costs of running the judiciary. The Long Range Planning Committee of the Judicial Conference began work on a comprehensive long-range plan to assess the demands likely to confront the federal courts in the future and to recommend a plan of action to meet the expected requirements. These and other activities of the Judicial Conference and its committees will provide a blueprint for the future and will enable the federal judiciary to use its resources in a more efficient and effective manner.

The Administrative Office is committed to full support of the Judicial Conference and its committees in their important work while seeking new ways to accomplish the business of the judiciary. Many good ideas for improvement have already come from the people who do the work every day. We asked for and received many creative ideas for cost containment and operational improvements from individual court managers. We are sharing these ideas with the entire judiciary and with the other branches of government, and will continue to do our part to develop innovative ways to meet the needs of an expanding mission with fewer resources.

This report on the 1993 activities of the agency describes the results and realities of providing the highest level of service to the federal courts in these challenging and interesting times. The Administrative Office staff will continue to strive for administrative excellence through ingenuity, commitment, and innovation.

L. RALPH MECHAM  
Director



A handwritten signature in black ink, appearing to read "L. Ralph Mecham". The signature is fluid and cursive, with a large, stylized "R" at the beginning.

# R

## RESULTS AND REALITIES: 1993

The Administrative Office of the United States Courts provides essential administrative, management, and program support and services to the federal courts. It implements the policies of the Judicial Conference of the United States and supports its network of committees. And, it is the focal point for judiciary communication, information, program leadership, and management of change.

As the courts have grown in size and the workload has become more complex, the challenges of judicial administration have increased significantly. Also, the structure and activities of the Judicial Conference and its committees have expanded in recent years. During fiscal year 1993, the Administrative Office continually shifted its resources to meet these challenging and changing needs.

This report on the activities of the Administrative Office throughout 1993 discusses in separate sections how the agency and the courts have worked together to meet the needs of the judiciary through a series of reforms and other accomplishments; the status of the budget; legislative activities; and ongoing progress in support, services, and programs. The realities of severe budget restrictions throughout the year often made the task of providing a high level of support to the federal judiciary very difficult. However, through careful management of available resources, the agency continues to produce results.

The federal judiciary has long recognized the need to examine critically every aspect of its operations to identify what can be done better or more economically. In fact, many of the key themes in the Vice President's report, *Creating a Government that Works Better and Costs Less: Report of the National Performance Review*, relate to areas the judiciary has focused on in recent years. The report recommends cutting red tape and regulations, streamlining the budget process, decentralizing decision-making power, decentralizing personnel policy, giving customers a voice, eliminating inefficient and unnecessary activities, and re-engineering processes.

The judiciary, with support and assistance from the Administrative Office, has done much in these areas already by implementing new management strategies, developing cost-containment practices, and enhancing communications efforts. Last October, the agency published *Judiciary Reform: A Step Ahead*, a report describing the judiciary's efforts to explore new ways of doing business. The report stresses that with the help and support of the legislative and executive branches the judiciary will continue to work toward the common goal of making government work better.

Last October, the Administrative Office published *Judiciary Reform: A Step Ahead*, a report describing the judiciary's efforts to explore new ways of doing business.

## JUDICIARY REFORM:

- RESTRUCTURING THE JUDICIAL CONFERENCE
- EFFECTING FEDERAL COURTS STUDY COMMITTEE RECOMMENDATIONS
- ENHANCING LONG RANGE PLANNING
- ACHIEVING CIVIL JUSTICE REFORM
- DECENTRALIZING AUTHORITY TO LOCAL MANAGERS
- DESIGNING A FLEXIBLE PERSONNEL SYSTEM
- CONTAINING COSTS
- FOCUSING ON FISCAL RESPONSIBILITY
- IMPROVING OPERATIONAL EFFICIENCY
- REACHING OUT FOR ADVICE
- DESIGNING TECHNOLOGICAL SOLUTIONS TO OPERATIONAL CONCERN
- IMPROVING MANAGEMENT INFORMATION
- PROMOTING EFFECTIVE MANAGEMENT THROUGH CONTINUING EDUCATION
- AIDING EVALUATION AND POLICY CHOICES WITH RESEARCH

L. Ralph Mecham, Director  
Administrative Office of the United States Courts

OCTOBER 1993

**N**EW MANAGEMENT STRATEGIES and practices such as civil justice reform, enhanced long-range planning capabilities, and increased delegation of administrative authority to court managers through decentralization are among a wide variety of reform initiatives in which the Administrative Office made significant progress in 1993. Working with advisory groups, user groups, and task forces made up of court and agency employees, the Administrative Office was able to function as a clearinghouse for many excellent reform ideas, and develop and implement effective solutions for judicial administration problems. Highlights of some major initiatives are described below.

### CIVIL JUSTICE REFORM

The judiciary is moving rapidly towards full implementation of the Civil Justice Reform Act of 1990. During the process, the civil justice reform advisory panels in the district courts have demonstrated the value of "customer" participation by identifying new and innovative ways to reduce delay and expense in civil litigation. As a result of the panels' efforts, all 94 districts adopted expense- and delay-reduction plans by December 1, 1993,

the statutory deadline. Also, some early implementation courts already have conducted the annual assessment of the effectiveness of their plans as required by the Act.

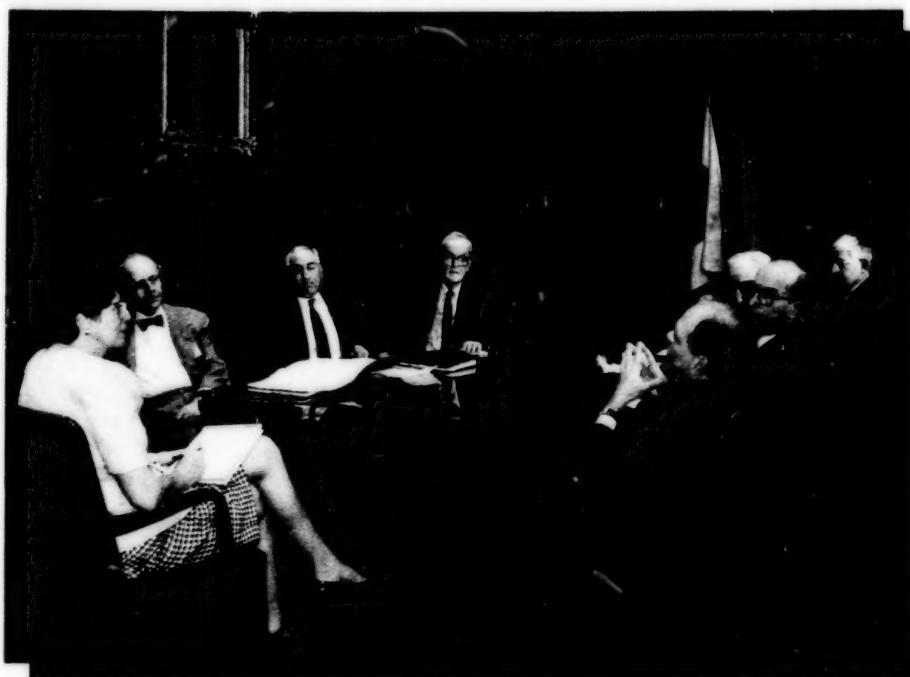
The Administrative Office supported the district courts during the past year by providing a great deal of advice and assistance throughout the planning process. Early in the fiscal year, working with the Federal Judicial Center, the Administrative Office drafted the model plan that identifies procedures or techniques for cost and delay reduction. The model plan includes recommendations, in addition to those in the statute, that call for differentiated case management and alternative dispute resolution. Also, Administrative Office staff members, working with the Judicial Conference's Committee on Court Administration and Case Management, reviewed the expense and delay reduction plans developed in the district courts to ensure that each adhered to the Act's provisions as well as its "spirit."

The RAND Corporation is under contract to evaluate the various courts' approaches and the effects of the reforms. With the approval of the Judicial Conference Committee on Court Administration and Case Management, the study was expanded in 1993 to include additional data on the use of alternative dispute resolution procedures because it was decided that more data were needed on the cost effectiveness of these programs. Overall, this study, to be completed in 1995, is one of the broadest research efforts ever undertaken in the federal court system. The results will be a major factor in determining the final approaches to implementing civil justice reform.

#### **TASK FORCE ON THREE BRANCH COORDINATION**

The judiciary recognizes the critical importance of both the legislative and executive branches to the third branch in carrying out its mission and initiating reforms. As required

Last April, most of the Executive Committee and two Judicial Conference committee chairmen, along with Administrative Office senior staff, met with Attorney General Janet Reno to discuss issues of mutual concern. Meeting with the Attorney General (clockwise around table) were Chief Judge Richard S. Arnold, Judge Stanley Marcus, Judge Vincent L. Broderick, AO Legislative and Public Affairs Officer Robert E. Feidler, AO Director L. Ralph Mecham, Chief Judge John F. Gerry, and Chief Judge Gilbert S. Merritt.



by Chief Justice Rehnquist, the Judicial Conference Executive Committee has launched an initiative to improve communication between the judicial branch and the legislative and executive branches. As a result, the Director established in 1993 a Task Force on Three Branch Coordination. Currently, the Task Force is concentrating on improving relations between the Department of Justice and the judiciary. Initial meetings with Justice Department officials, including the Attorney General, have been encouraging. Six work groups composed of judges and senior Administrative Office, Department of Justice, and other executive branch officials have been established. The groups are focusing on institutional cooperation, budget concerns, criminal justice, prisoner issues, security and facilities, and civil issues. Quarterly meetings between the Executive Committee and the Attorney General are being held. There are also plans to hold a national conference with representatives from all three branches to study the problems facing the federal court system.

#### **DECENTRALIZATION**

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The judiciary is well ahead of the executive branch in decentralizing authority to local managers. Several years ago, Director Mecham began the "3-D" campaign to "decentralize, delegate and divest" to the courts many specific administrative responsibilities that Congress has vested in the Director of the Administrative Office. Decentralization has been remarkably effective because court managers are in a much better position to understand their unique needs and priorities than is the Administrative Office.

So far, the agency has delegated authority in 53 specific management areas, the most significant being the full implementation of budget decentralization. By October 1, 1993,

◆ all courts were decentralized and able to shift most funds as needed to meet their administrative requirements.

Budget decentralization has numerous benefits. Not only has the program provided the courts with more responsibility, flexibility, and independence, it has also resulted in greater cost efficiency by requiring that they operate within available funding. Since court unit executives manage funds throughout the year, they are able to plan more effectively and realize savings earlier. Now that all courts are

decentralized, Administrative Office efforts are directed toward overall guidance and management and ensuring that resources are distributed fairly and equitably. Of tantamount importance is providing proper incentives so that court units that operate efficiently are rewarded for their cost-cutting efforts.

The ad hoc Advisory Group on Budget Decentralization, made up of representatives of all court units, meets periodically to address new issues that emerge as the program expands and evolves.

The next major area to be decentralized is personnel. Through the implementation of the new Court Personnel Management System, court unit executives will have greater

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decision-making authority in personnel matters. For example, delegation of compensation flexibility is scheduled for mid-July 1995 and delegation of classification authority is planned for October 1995.

#### **LONG RANGE PLANNING**

The judiciary continues to expand its long-range planning capability. The Judicial Conference's Committee on Long Range Planning is carefully examining every aspect of the judiciary, including its structure, jurisdiction, and operating methods. During 1993, the Committee implemented a process for involving all Conference committees in long-range planning. Work on the first long-range plan for the federal courts continued throughout 1993 toward the objective of a completed plan for submission to the Judicial Conference in 1995.

The most provocative issue the Committee has dealt with so far regards limiting the number of Article III judges. This issue stimulated much debate within the judiciary about how it can best organize itself to deal with the increasing jurisdiction of the federal courts and the resulting rapid growth in workload. As a result, the Committee submitted an interim report with recommendations on the appropriate size of the federal judiciary to the Judicial Conference. At its meeting last September, the Conference adopted all of the Committee's recommendations endorsing a policy of carefully controlled growth but opposing any efforts to set a maximum limit on the number of federal judges.

This past year, Administrative Office employees completed a retrospective statistical analysis of federal-court caseloads; an analysis of the impact of eliminating diversity jurisdiction; and an analysis of the demographic attributes of the judicial workforce with a projection of circuit and district caseloads, and associated resource requirements, through the year 2020. The agency also published the *Judicial Branch Planning Guide*, which provides interested judges and senior court staff with a general introduction to the ideas, concepts, and policy issues associated with long-range planning in the federal judiciary.

In June 1993, the Committee on the Administration of the Magistrate Judges System approved *The Long Range Plan for the Magistrate Judges System* and submitted it to the Committee on Long Range Planning. Although the plan suggests no major changes in the jurisdiction of magistrate judges, it encourages each district court to make greater use of its magistrate judges to meet the court's special needs. The plan also forecasts expanded use of magistrate judges in handling civil jury trials by consent of the parties and in alternative dispute resolution. The Committee on Administration of the Bankruptcy System, the Committee on Court Administration and Case Management, and the Committee on the Judicial Branch also submitted reports to the Committee on Long Range Planning in fiscal year 1993.

Even before the Committee on Long Range Planning was organized, the judiciary already had successful long-range planning processes for automation and facilities. A decade ago, the first five-year plan for automation in the judiciary was completed. Later renamed the *Long Range Plan for Automation in the Federal Judiciary*, it is updated every year. The 1994 update, completed in 1993, includes the information resources management strategic plan, which presents the national policies, goals, objectives, and priorities

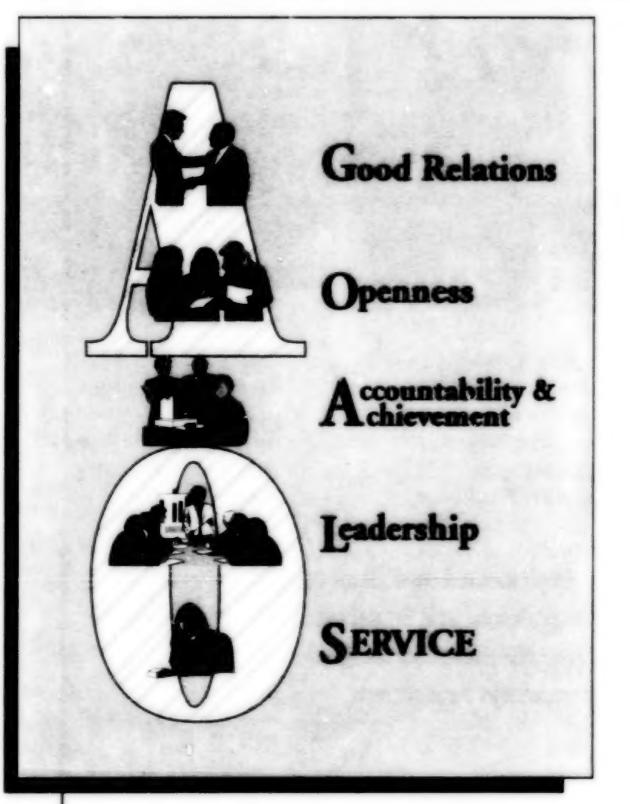
of automation in the judiciary. The plan also contains updates for each project, product, and service supported by the Administrative Office.

In accordance with Judicial Conference policy approved in 1988, each judicial district is required to develop a long-range facility plan coordinated and integrated with all court and court-related components within the district. The judiciary, therefore, became the first federal organization to initiate a long-range facilities planning process. The General Services Administration uses the results of the long-range facility plans, which are based on caseload projections at 5, 10, 20, and 30 year intervals, to develop projections of construction needs.

#### **MANAGEMENT SYSTEMS**

The Administrative Office is committed to providing the courts with the highest level of service possible so that they can accomplish their critical mission. The Director has established five fundamental goals that embody the values and direction of the agency: Good Relations. Openness. Accountability and Achievement. Leadership. Service.

To recognize agency employees whose special efforts, ideas, or accomplishments best embody these goals, the Director established a special non-monetary recognition program. So far, 24 employees, each nominated by their colleagues, have been recognized for their willingness to go the extra mile to serve others.



The Director established the planning and management objectives system in 1989 to support the fulfillment of the agency's goals. The system focuses on strategic planning and the formulation of short-term objectives with tangible, measurable results. The system has allowed the various Administrative Office divisions and offices to prioritize their program needs and apply the agency's limited resources to the most critical areas. Progress in meeting all objective milestones is monitored each quarter. Together, the individual plans represent an ambitious road map for the present and future of the Administrative Office and the courts.

Especially in the current budgetary climate, there is a great need to ensure that a sound, cost-effective system of management controls exists within the judiciary. As a result, the Director established a management-controls program this year, which will ultimately cover all functions, programs, and financial assets of the judiciary.

One of the first steps in this multi-year program will be to review Administrative Office programs that support the judiciary. The agency is designing a series of training seminars and a handbook on the fundamentals of management controls. After this

program is fully implemented, court managers throughout the judiciary will be better able to evaluate their programs, identify weaknesses, and make any necessary changes to improve efficiency.

A Management Controls Advisory Council was organized to serve as the focal point for management-control efforts. Improving the judiciary's internal management controls will enhance the agency's ability to protect and ensure the integrity of judiciary assets.

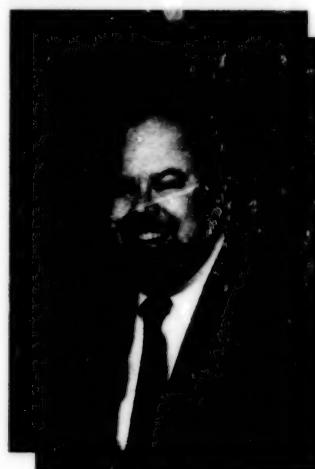
#### **AWARDS FOR ADMINISTRATIVE EXCELLENCE**

Reforms and improvements in judicial administration result from a collaboration among all members of the judicial family. To recognize the importance of individual enterprise in improving court administration, Director Mecham established the Director's Award for Administrative Excellence in 1989. This award honors federal judiciary employees for outstanding achievements in enhancing the administration of the federal judiciary. Since then, ten employees have received the award. The 1993 recipient is Robert M. Solis, Chief United States Pretrial Services Officer for the District of New Mexico. Mr. Solis is honored for the development and successful implementation of the district's Material Witness Plan, which provides for the use of halfway houses and third-party custodians as alternatives to detention facilities in the housing of material witnesses in illegal immigrant smuggling cases.

In 1992, Mr. Mecham established the Director's Award for Outstanding Leadership to recognize managerial employees who have made sustained long-term contributions to increase effectiveness or reduce costs in court administration. The 1993 recipient is George A. Ray, Clerk of Court for the Northern District of New York. Mr. Ray implemented two innovative automation programs for computerizing the court's pending caseload and for decentralizing the budget. He also directed a complete administrative reorganization of the district, which resulted in streamlined and more effective case management procedures.



Robert M. Solis, Chief U.S. Pretrial Services Officer for the District of New Mexico, recipient of the 1993 Director's Award for Administrative Excellence.



George A. Ray, Clerk of Court for the Northern District of New York, 1993 recipient of the Director's Award for Outstanding Leadership.

#### **FINANCIAL MANAGEMENT REVIEW**

Interested in improving and modernizing the judiciary's financial systems and processes, the Administrative Office contracted with the National Academy of Public Administration to review the agency's financial management organization, policies, processes, and operations.

The final report, issued in November 1993, contains recommendations regarding organization and structure of financial responsibilities, decision-making processes, financial information and reports for program management and evaluation, budget formulation and execution policies and practices, and overall management and control. These recommendations will be useful as the agency takes steps to enhance its financial management capabilities.

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**C**OSt CONTAINMENT was a major theme for the Administrative Office and the judiciary during fiscal year 1993. Due to this year's budget shortfall, the entire federal judiciary was focused intensely on identifying potential cost-savings and developing creative solutions to its budget problems. Everyone was called upon to hold down costs and scale back operations wherever possible.

Judicial Conference committees and advisory groups of court managers and judges examined practices to identify changes that may be more economical. Early in the fiscal year, the Director initiated a coordinated cost-containment effort, both in the courts and at the Administrative Office, to identify opportunities for making better use of limited resources in both the short and long terms.

The Administrative Office received literally hundreds of cost-containment ideas from judges and court staffs nationwide. The possibilities for savings and broader applications are being evaluated. Several successful, worthwhile ideas have already been communicated to the courts through newsletters, correspondence, and reports. One such report compiled hundreds of ideas collected from probation and pretrial services offices around the country.

More ideas are being reviewed and will be communicated periodically. Policy-level ideas are being referred to the appropriate Judicial Conference committees.

#### **NEW ECONOMY SUBCOMMITTEE**

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At its September meeting, the Judicial Conference established a Subcommittee on Economy of the Conference's Budget Committee. The new Economy Subcommittee, co-chaired by judges Owen M. Panner and William G. Young, is coordinating the judiciary's efforts to achieve greater fiscal responsibility, accountability, and efficiency in its operations, and will make recommendations to the full Budget Committee.

The Economy Subcommittee has already asked each of the Judicial Conference committees to consider the impact of funding restrictions, policies, and procedures within their areas of jurisdiction. Also, members of the Subcommittee have met with program committee chairmen (those Conference committees with significant budgetary concerns) to discuss priorities and to identify areas where cost-savings might be realized.

The Administrative Office will support the work by undertaking studies in various areas to provide information the Conference committees will need as they develop recommendations for greater economy.

### **DISTRICT COURT EFFICIENCIES TASK FORCE**

Established by the Director in October 1992, the District Court Efficiencies Task Force has been instrumental in promoting open communication between clerks of court and judges on matters relating to the efficient operation of the district courts. The Task Force is working "to identify and promote efficiencies, and urge their adoption in all courts in the interest of enhancing the delivery of justice by maximizing productivity, and by eliminating or reducing unnecessary, redundant, or resource-wasting practices." The task force includes representatives from bankruptcy courts and probation and pretrial services offices as well as district court judges and clerks.

The first initiative is educating clerks and judges on the need for more efficient procedures. Brainstorming sessions held by chief district judges have identified areas that could be improved. These ideas are being shared with all district court judges and clerks.

At its March 1993 meeting, the District Court Efficiencies Task Force drafted a statement defining its mission: "To identify and promote efficiencies and urge their adoption in all courts in the interest of enhancing the delivery of justice by maximizing productivity, and by eliminating or reducing unnecessary, redundant or resource-wasting practices."



### **TRAVEL EXPENDITURES**

Throughout the year, the costs of travel were closely managed and restricted as much as possible without compromising critical program needs. The Administrative Office put in place for itself particularly restrictive travel policies and limits. Alternative ways of conducting business that limit travel expenditures have and will continue to be pursued. Established early in 1993 by the Director, the Relocation and Travel Management Office expanded the use of Government Bills of Lading for moving household goods for those employees authorized to receive reimbursement for relocation expenses, which will result in cost savings. Also, the office, in conjunction with the National Travel Service, the judiciary's nationwide contract travel agency, is developing a model meeting planning program for Administrative Office and court meeting planners, with the goal of further reducing travel expenses.

### **FEDERAL DEFENDER INITIATIVES**

The Judicial Conference's *Report on the Federal Defender Program*, issued this past year, contains a number of proposals to reduce costs and streamline operations related to the Criminal Justice Act, while preserving the quality of representation. One of the report's primary recommendations is that the courts increase the number of cases assigned to federal defender organizations because of their overall operational efficiencies and service excellence. Federal defender organizations furnish consistently high-quality representation while frequently reducing costs and administrative burdens.

The Administrative Office provided administrative support in 1993 to the 51 traditional defender organizations, including three new organizations, serving 57 of the 94 federal districts. During 1993, federal public defender organizations were established in the Middle District of North Carolina and the Eastern District of Texas, and a community defender organization began accepting cases in the District of Montana. Three more federal public defender organizations, for the Districts of Nebraska, Eastern and Western Louisiana, and Southern Iowa, are scheduled to open. The agency will continue to assist courts in evaluating the feasibility of establishing defender organizations.

Other initiatives to improve accountability with respect to Criminal Justice Act expenditures are also underway. The development of additional statistical and financial information that measures the cost-effectiveness of Criminal Justice Act related programs is a priority. The panel-attorney automated payment program is being revised, and new payment vouchers are being developed to assist in evaluating the reasonableness of claims and expenditures in capital cases. Procedures that will permit panel attorneys and experts in Criminal Justice Act cases to obtain government travel rates, which generally are significantly lower than commercial rates, are being finalized. Additional management reviews and financial audits of federal defender organizations are planned.

### **MAIL MANAGEMENT**

The Administrative Office's mail-management program produced the following results in fiscal year 1993. The agency saved more than \$1 million by taking advantage of postal discounts for presorted/barcoded first class mail. Also, 3,600 square feet of floor space at the Printing and Distribution Facility in Forestville, Maryland, was returned to GSA, resulting in an annual savings of \$26,000. The Administrative Office continues to look for ways to save money in its mail distribution efforts.



Mail-management improvements can result in substantial savings.

In response to a mandate from the U.S. Postal Service that requires a change from penalty indicia postage to metered postage, the Administrative Office developed and distributed to the courts guidelines, procedures, and a schedule covering the implementation of postage metering. Six courts volunteered to help refine the guidelines and test equipment. All courts will convert to postage metering by October 1, 1994. Metered postage will re-

duce postage expenses because it allows for cost-saving methods not available under penalty indicia postage. Knowing the actual annual cost of postage instead of using current estimates will be another benefit of the conversion.

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**E**NHANCING COMMUNICATIONS between the Administrative Office and the courts continued to be a priority during 1993. Every effort was made to increase input from a broader segment of the courts, improve coordination of issues, encourage the free exchange of ideas, and ensure that items of importance were addressed. Highlights follow.

#### **OBTAINING COURT ADVICE**

A revised advisory group structure was implemented early in fiscal year 1993. The already effective advisory group process improved significantly through increased representation, participation, and coordination.

For example, the newly established Court Administration Advisory Council, which was instrumental in advancing the staffing equalization effort, provides the Administrative Office with advice on court administration issues of concern to all clerks. As areas in need of input and advice from a court perspective evolve, the Administrative Office will continue to use the existing advisory groups and, when necessary, establish new groups or task forces.

This year, the Director established the first ad hoc advisory group of judges' secretaries to identify issues of importance to them as key members of judges' staff operations.

The newly established Court Administration Advisory Council met October 18 - 19, 1993, at the Administrative Office. The group discussed budget decentralization, work-force equalization, and other topics of interest to court executives.



#### **PUBLICATIONS**

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Publications are one important way the Administrative Office communicates information to the courts, Congress, and the public. Each year the agency produces dozens of books, manuals, pamphlets, and reports on a variety of topics for court employees and others. Eleven newsletters and other periodical publications are published to keep the courts informed in key program areas. Consequently, the Administrative Office is committed to enhance the quality, usefulness, and effectiveness of its reports and publications.

In 1992, the Director established a publications management function to provide editorial and design assistance and establish standards for the agency. During 1993, a review process was implemented for all draft publications to assist in publications development and improvement.

One periodical, *The Third Branch*, won a national award for excellence in government newsletters. In announcing the award, the *Government Computer News* stated that the Administrative Office "receives high marks for producing a clearly written newsletter." *The Third Branch* is published monthly and has more than 13,000 readers, including federal judges, court staff, and members of Congress. *The Third Branch* is a cornerstone in the agency's communication efforts because it provides timely information about legislative, fiscal, and other critical issues facing the court system.

#### **GUIDE SURVEY**

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The *Guide to Judiciary Policies and Procedures* is the official source for policy information needed and used by the judiciary in its day-to-day operations. To determine whether the Administrative Office is maintaining this publication in a timely and useful manner, a survey requesting opinions and recommendations on the *Guide* was distributed to a sample of court managers in August 1993. More than 90 percent of the respondents reported that the information in the *Guide* was useful and met their needs. Still, a number of useful suggestions and recommendations were received that will be helpful in determining future directions. Conversion to electronic distribution is a possibility, including eventual placement on the Data Communications Network.

#### **FEDERAL-STATE JUDICIAL RELATIONS**

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Over the last few years, the federal judiciary has enhanced communications with state court systems in an effort to improve the jurisdictional balance between the two. In September 1987, Chief Justice Rehnquist established the Judicial Conference Committee on Federal-State Jurisdiction. In 1992, the Director established the Federal-State Judicial Relations Office to increase further cooperation between the federal and state court systems.

The Federal-State Relations Office at the Administrative Office is actively promoting the establishment of federal-state councils. Some 25 states have now established councils, which consist of federal and state judges who meet periodically to exchange information and share efficient case-management procedures and cost-saving ideas. So far, federal and

state courts have developed these methods of cooperation: case coordination (joint discovery and scheduling); sharing of jury pool lists, libraries, and courtrooms; and the joint offering of alternative dispute-resolution programs.

The Judicial Conference, the Executive Committee, and the Budget Committee develop budget-formulation and budget-execution policy for the federal judiciary. In developing the budget, the Administrative Office provides support and services to the Budget Committee such as caseload forecasts, staffing-allocation formulas, year-round program analysis, and review of actual expenditures. The Administrative Office also acts as a liaison to the congressional appropriations committees and allots funds to the courts in keeping with the financial plan approved by the Conference's Executive Committee.

The federal judiciary faced severe budget restrictions throughout fiscal year 1993. Insufficient funds to maintain the operations of the courts at last year's service levels necessitated tough decisions by the Executive Committee about where to cut costs.

Funding shortages affected nearly every judiciary program. Funds originally appropriated to pay court-appointed private attorneys and civil juror fees were too low from the start and were exhausted well before the end of the year. Fortunately, the judiciary was successful in obtaining critically needed supplemental congressional appropriations so that payments in these crucial areas could be resumed.

Reductions and deferments in numerous budget categories resulted in both short- and long-term implications for effective court operations. In particular, this year's budget shortages adversely affected court staffing. Overall, the courts were staffed at their lowest levels in recent memory. Budget reductions had a devastating effect on a number of other areas. Funding for new magistrate judges and the approved cost of living allowance for court employees were delayed. Virtually every new construction project requiring funds from the judiciary this year was stopped. Spending cuts reduced funding for supporting and upgrading automation systems. Funding for drug treatment and testing of federal offenders was severely diminished. And, large cuts were taken in furniture, equipment, and other expense categories. In short, all judiciary employees were affected in some way by the budget cutbacks.

Fiscal year 1993 was very difficult for the Administrative Office as well. The agency's increase was less than 1 percent as compared to the judiciary's 4.25 percent increase. Hiring and promotions were frozen, travel reduced, and allowances for travel costs restricted. Funds for such things as training, furniture, equipment, supplies, and other expenses were severely restricted. Consequently, the agency focused on identifying the

*The federal judiciary faced severe budget restrictions throughout fiscal year 1993.*

highest priorities and deferred or eliminated activities that could not be carried out effectively.

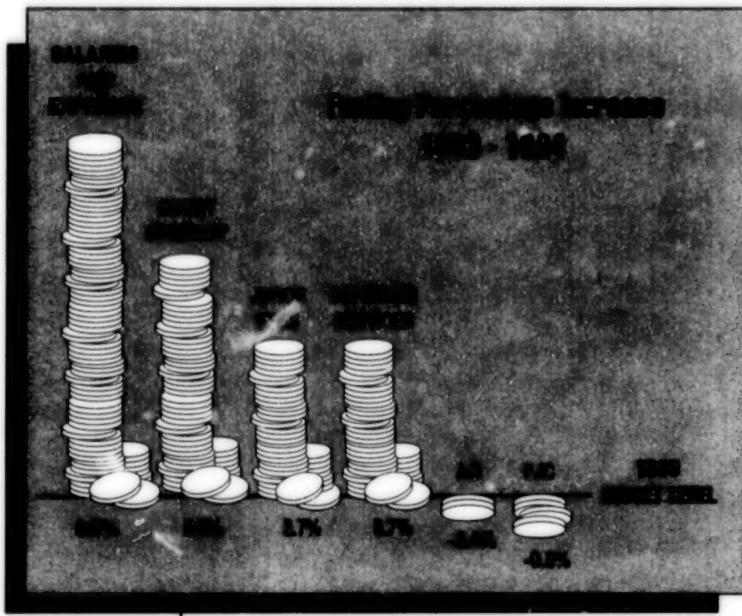
#### OUTLOOK FOR 1994

On October 27, 1993, the President signed a bill appropriating \$2.74 billion for the judiciary for 1994 (exclusive of fee collections and reimbursements), an 8.2 percent increase over fiscal year 1993. The increase for the judiciary's main operating account, Salaries and Expenses, was slightly higher at 8.9 percent. The final appropriations bill provided more money for court security than either the original House or Senate version. Also, although precise costs cannot be determined in advance and depend on such variables as number and length of trials and the complexity of individual cases, it is expected that sufficient funds were appropriated to pay juror fees and panel attorneys appointed under the Criminal Justice Act throughout the year.

In recognition of the judiciary's efforts to achieve greater fiscal responsibility, accountability, and efficiency in its overall operations, the enacted appropriation includes funds to provide support for the Budget Committee's new Economy Subcommittee. It further provides that the judiciary will receive some of its 1994 funding through increased fees. For example, the filing fee in Chapters 7 and 13 bankruptcy cases was raised from \$120 to \$130 with the incremental increase going to the judiciary. The judiciary will also receive, for the first time, 25 percent of Chapter 11 bankruptcy fees, which were raised from \$600 to \$800. The additional bankruptcy fees are expected to result in \$10 million in 1994 for the judiciary.

Conference committee chairmen had previously been asked for their spending priorities, and the Judicial Conference Executive Committee completed a spending plan on October 27, the same day the President signed the bill. The Executive Committee authorized sufficient funding to fill the 35 bankruptcy judgeships that Congress created but did not fund in 1992. Funds were authorized by the Judicial Conference for the new magistrate judge positions previously approved to begin in 1994. The Executive Committee also approved locality pay for court employees.

The Administrative Office did not fare nearly as well for fiscal year 1994 as did the rest of the judiciary. Not only was the amount appropriated (\$44,900,000) for the Administrative Office substantially less than the amount



requested, it was also less than the agency actually received in 1993. The Administrative Office is working intently to make the best use of these scarce resources without diminishing support to the courts. However, the continued cutbacks and the freeze on filling most positions are stretching the agency's workforce even more thinly.

## JUDICIARY APPROPRIATION FY 94 (in Thousands of Dollars)

	1993 \$1,253	1994 \$105,965	1995 \$86,000
Subtotal	2,404,694	3,000,047	2,599,095
Administrative Office of the U.S. Courts	45,100	57,553	44,900
Federal Judicial Center	17,500 (18,600) *	20,453	18,450
Payments to Judiciary Trust Fund	8,520	20,545	20,545
<b>Total, the Judiciary</b>	<b>2,523,319</b>	<b>3,153,383</b>	<b>2,732,740</b>
U.S. Sentencing Commission	9,000	9,000	8,468
<b>Grand Total</b>	<b>2,532,319</b>	<b>3,162,383</b>	<b>2,741,208</b>

\* The Federal Judicial Center (FJC) received a transfer of \$1.1 million for training of new court personnel from the Salaries and Expenses appropriation in 1993. Thus, the 1994 appropriation provides less funding to the FJC than was available in 1993.

### FISCAL YEAR 1995 BUDGET FORMULATION

In these times of fiscal constraint, the judiciary cannot expect major increases in funding from Congress. As a result, the judiciary initiated this past year a new, more rigorous process to develop the 1995 budget request for the Courts of Appeals, District Courts, and Other Judicial Services appropriation. Administrative Office staff members closely reviewed fiscal year 1993 spending levels to identify areas for potential savings. They used the resulting numbers to determine the fiscal year 1994 baseline from which the fiscal year 1995 request was developed. Based on Budget Committee guidelines,

funding for new programs was not to be requested, nor were increases for existing programs that were not required by staffing-allocation formulas or workload.

The program committees of the Judicial Conference met in June to identify their essential requirements. The Budget Committee met with the program committee chairmen in July. Each chairman presented program requirements and described the anticipated impact of reduced funding levels. The Budget Committee considered the requests and recommended reductions totaling \$224 million. The Executive Committee approved the Budget Committee's recommended reduced fiscal year 1995 budget at its August meeting. This budget for the Courts of Appeals, District Courts, and Other Judicial Services, totaling \$2.966 billion, was approved by the Judicial Conference at its September meeting.

The judiciary's total fiscal year 1995 budget request is \$3.106 billion, about 13 percent more than fiscal year 1994. As a result of the vigorous containment efforts, this amount is significantly below increases that have been requested in recent years despite workload increases and inflation.



Close to 10,500 bills are introduced in every Congress. Of those, about 800 are of interest to the federal judiciary. Staff members at the Administrative Office track and monitor these bills, which requires reviewing the daily *Congressional Record*, each new bill, and each new version of the bill as it moves through the legislative process.

The 1st Session of the 103rd Congress began with a focus on budget and economic issues but finished with a rush of new legislative activity that directly affects the judiciary. With a new administration and over 120 new members, the early months of the session as they related to the judiciary were devoted mainly to oversight hearings and issues related to appropriations. At mid-year, Congress passed a supplemental appropriations bill that relieved the stress caused by the lack of funds to pay civil jurors and panel attorneys. The passage in October of the fiscal year 1994 appropriations bill at a level more than \$200 million over the previous year assures adequate funding for all major areas of the judiciary. Many legislative initiatives affecting the judiciary will be before Congress in its 2nd session, especially issues related to crime and federalization.

#### **OVERSIGHT HEARING**

In April 1993, Representative William J. Hughes (D-NJ), Chairman of the House Judiciary Subcommittee on Intellectual Property and Judicial Administration, held an oversight hearing on the judicial branch. Testifying on behalf of the judiciary were judges John F. Gerry, Richard S. Arnold, Stanley Marcus, and William W Schwarzer, and Administrative Office Director L. Ralph Mecham. The hearing focused on federalization of crimes previously handled by the states, mandatory minimum sentences, and the

budget. The judicial branch representatives were able to emphasize their concern with the continuing mismatch between the jurisdictional responsibilities required by the congressional authorizing committees and the financial resources provided by the appropriating committees.

#### **CRIME LEGISLATION**

Crime-related legislation was actively considered by both the House and the Senate, with the Senate passing an omnibus bill on November 19, 1993. The bill would, if enacted, federalize numerous new crimes traditionally prosecuted at the state and local levels and includes a version of the Violence Against Women bill, which was modified to include many of the recommendations of the Judicial Conference Ad Hoc Committee on Gender-Based Violence. It also adds mandatory minimum sentences for a variety of crimes involving guns and drugs, federalizes all murders committed with a gun that had been in interstate commerce, imposes a mandatory life sentence for persons convicted of a third violent felony, federalizes certain offenses committed by street gangs as well as provides for mandatory minimum penalties, and authorizes the death penalty for major drug dealers. The bill does not include habeas corpus reform, which was deferred until 1994.

The House passed several bills that were more limited in scope than the Senate's omnibus crime bill, declining to consider issues such as the death penalty, mandatory minimum sentences, and habeas corpus reform. The Senate requested a joint conference with the House, but the session ended before a conference could be held. The President and Congress have made the passage of a crime bill a priority for 1994. The Judicial Conference's Committee on Criminal Law has been working to communicate to Congress the judiciary's concerns regarding the impact this legislation will have on the federal courts.

#### **MANDATORY MINIMUM SENTENCES**

Members of the judiciary continued to express the Judicial Conference's position and their own individual concerns about mandatory minimum sentences. On July 28, judges Vincent L. Broderick and Maryanne Trump Barry appeared before the House Judiciary Committee's Subcommittee on Crime and Criminal Justice to express the Judicial Conference's views. This issue continues to generate discussion.

#### **VIOLENCE AGAINST WOMEN**

As mentioned previously, the Senate passed its version of the Violence Against Women bill as part of its omnibus crime act. This bill creates a new civil-rights cause of action for victims of crime motivated by gender and includes provisions amending the federal rules of evidence. The House passed its version of the Violence Against Women bill in November. It does not include the new civil-rights cause of action or amendments to the Federal Rules of Evidence. Both versions designate as new federal crimes the crossing of state lines with intent to injure a spouse or intimate partner or to violate a valid protective order. Overall, this act could significantly increase the workload of the federal courts.

It is likely the differences in the two bills will be part of the larger conference on the Senate's omnibus crime bill. Representative Don Edwards (D-CA), Chairman of the Subcommittee on Civil and Constitutional Rights, indicated he would hold hearings on the civil-rights provisions of the Violence Against Women Act early in the 2nd session of the 103rd Congress.



**Completed**  
(1st Session)

- FY 94 Appropriations
- Rules
- Arbitration
- Courthouse Construction
- House Oversight Hearing

**Coming Up**  
(2nd Session)

- FY 95 Appropriations
- Federal Courts Improvement Act
- Crime
- Violence Against Women
- Courthouse Construction
- Filling Judicial Vacancies
- Bankruptcy Amendments

**Legislative Highlights**  
103d CONGRESS

#### **FEDERAL COURTS IMPROVEMENTS**

The Federal Courts Improvements bill was transmitted to Congress in early November, and includes those miscellaneous items not acted on by the last Congress and any new initiatives of the Conference requiring congressional action. Among the more than 40 items included were modification of the retirement rule of 80 for Article III judges lowering the threshold age from 65 to 60 years of age so long as the combined age and years of service equal 80; the repeal of section 140, P.L. 97 - 92, which requires affirmative action by Congress for judges to receive annual cost of living adjustments; reauthorization of the Judiciary Automation Fund for five years to 1999; the authority for federal probation and pretrial services officers to carry weapons; and the authorization of magistrate judges to try petty offenses without consent of the defendant and misdemeanor or cases with oral consent of the defendant on the record, as well as in writing.

#### **BANKRUPTCY AMENDMENTS**

Last March, Senator Howell Heflin (D-AL) introduced the Bankruptcy Amendments Act of 1993, S. 540. The bill addresses a range of bankruptcy issues that have arisen since the last major legislation in this area seven years ago. It provides for the establishment of

bankruptcy appellate panels in each judicial circuit, creates a pilot program for small business bankruptcies in eight judicial districts, and establishes a new bankruptcy review commission. Although adopted unanimously by the Committee on the Judiciary, the full Senate did not consider the bill before adjournment but is expected to do so in early 1994. The House is not expected to take any action until summer 1994.

The 1994 appropriations bill contained a provision authorizing a limited pilot program in which the bankruptcy filing fee may be waived if the debtor is unable to pay. This pilot program will take place in up to six districts over a three-year period beginning in fiscal year 1995.

### STATUS OF ARTICLE III JUDGESHIPS\*

1981	35	32 (12/16/81)	3	44	41	638
1985	102	53 (12/20/85)	1	86	85	757
1989	40	54 (11/22/89)	8	23	15	757
1993	109	113 (11/26/93)**	20	48	28	846

\* Includes Supreme Court, courts of appeals, district courts, and the Court of International Trade.

\*\* As of January 1, 1994, there were 118 judicial vacancies in the U.S. Federal Courts.

### JUDGESHIP BILL AND JUDICIAL VACANCIES

Last March, the Administrative Office transmitted to Congress the Judicial Conference draft bill providing for nine new court of appeals judgeships and five permanent and 10 temporary district court judgeships. The Judicial Conference voted at its September 1993 meeting to make the nine appellate judgeships temporary and to add 10 more temporary appellate judgeships for the Ninth Circuit Court of Appeals.

As of January 1, 1994, there were 118 judicial vacancies in the U.S. federal courts: 21 in the courts of appeals, 95 in district courts, and 2 in the Court of International Trade. Twenty-eight vacancies were filled before the end of this year's session and another 20 nominees are pending in the Senate.

"There is perhaps no issue more important to the judiciary right now than this serious judicial vacancy problem," Chief Justice William H. Rehnquist said as he urged President Clinton and the Senate to fill the vacant judgeships. It is anticipated that 100 judges will

be confirmed during fiscal year 1994. It is unlikely that Congress will move to create new judgeships until substantial progress is made in filling the vacancies.

#### **AMENDMENTS TO THE RULES OF PRACTICE AND PROCEDURE**

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A major package of amendments to the Federal Rules of Practice and Procedure was approved by the Supreme Court and transmitted to Congress last April. The changes to the Civil Rules of Procedure were particularly controversial and received a great deal of attention from members of the bar, judges, and Congress. The Administrative Office provided support services to the five advisory rules committees and the Standing Committee on Rules, which prepared and drafted the amendments. Congress did not pass any legislation modifying the amendments as approved by the Supreme Court, and all rules amendments approved by the Supreme Court became effective December 1, 1993.

The Judicial Conference approved a smaller package of amendments to the Appellate, Bankruptcy, Criminal, and Evidence Rules and transmitted them in November to the Supreme Court for its consideration and approval. At about the same time, another set of proposed amendments to the rules was published and circulated for public comment. Public meetings and hearings have been scheduled by the advisory rules committees for consideration of all comments and statements regarding the proposals.

#### **MISCELLANEOUS ACTIONS**

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In other actions, Congress adopted an extension of the present court-annexed arbitration program and accepted the various rules amendments transmitted in May by the Supreme Court. Extensive attention was also given to space and facilities issues and requests, which resulted in Congress appropriating nearly \$800 million for 21 projects. These projects are still subject to the approval of the Senate Committee on Environment and Public Works. Finally, reauthorization of the Independent Counsel legislation will include a requirement that the Administrative Office continue to provide administrative support to the independent counsels. The bill is expected to become law soon.

#### **JUDICIAL IMPACT STATEMENTS**

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In this current period of serious economic and fiscal constraints, making sure that members of Congress and representatives from the executive branch remain fully aware of the consequences their proposals and initiatives may have on the operations and budget of the federal judiciary has become more important than ever. During the past fiscal year, judicial impact statements were prepared on a broad array of legislative proposals, enacted legislation, and executive branch initiatives including the Violence Against Women Act, the Family and Medical Leave Act, and the Court Arbitration Authorization Act.

There were also numerous instances when legislation was placed on a "fast-track" and the judiciary was strongly urged to provide an immediate response on the potential costs. In reaction to these requests, a "preliminary impact assessment" format was developed that presents a modified and condensed cost-estimate analysis. These prelim-

inatory impact statements ensure that an assessment of the impact a piece of legislation will have on the judiciary becomes a part of the record at a crucial point in the legislative process.

The judiciary has nearly 800 places of holding court and 28,000 employees; consequently, providing the courts with effective program delivery and support is a challenging task for the Administrative Office. The agency's resources are being stretched to the limit as it strains to provide essential services to the 846 authorized Article III judges, 411 senior judges, 326 bankruptcy judges, and 478 magistrate judges. The agency also provides support and assistance for more than 3,800 probation and pretrial services officers. The federal defender program continues to expand. Forty-two federal public defender organizations now serve 47 districts. There are also 28 community defender organizations, 19 of which are death penalty resource centers.

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**BASIC SUPPORT SERVICES** are an important part of the mission of the Administrative Office. The Administrative Office provides such services to meet the needs of judges, clerks, probation and pretrial services officers, federal defenders, and other court employees. During 1993, agency employees processed 2,900,000 statistical reports, 49,000 personnel actions and 247,000 payroll changes. They changed 7,000 judiciary employees nationwide to different pay tables and issued more than 20,000 locality pay adjustments. Staff members received more than 18,000 phone calls for automation assistance, and tens of thousands of requests for information from members of the judiciary, Congress, other government agencies, law firms, and the general public. Proposed federal rules changes were circulated to 10,000 individuals, groups, and organizations for public comment.

The agency issued 82,000 checks and paid 52,000 invoices (excluding travel-related payments) to vendors, contractors, and others. Data from 200,000 vouchers were entered into the accounting system for district courts that do not have automated financial systems. Another 220,000 vouchers were paid by courts using the Court Financial System, an automated financial system developed by Administrative Office employees.

Employees also processed 1,440 documents for buying automated data-processing equipment and services, and awarded nine new automation-related contracts with a total value of \$57 million. More than 700 federal telephone system orders were processed. The agency also awarded 189 non-automation contracts and issued 436 delivery orders totaling more than \$14 million. More than 100 financial audits were done during the year to ensure accountability for court funds.

An important part of the work of the Administrative Office is providing basic support services to meet the needs of judges and others working in federal courts nationwide. Such services include responding to numerous requests for information; developing and supporting automated systems and technologies; and delivering a myriad of other essential services to the courts to further the accomplishment of their critical mission.



Despite this heavy workload, the Administrative Office, working closely with the courts, was able to accomplish a great deal in 1993. Highlights of both new initiatives and ongoing programs follows.

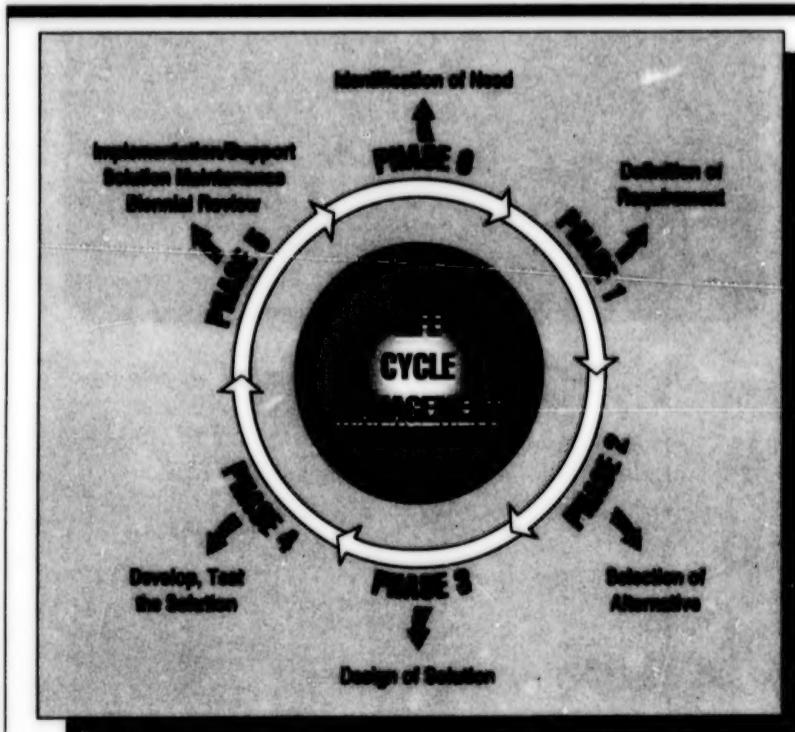
**A**UTOMATION TECHNOLOGY has been a crucial factor in the ability of the courts to absorb tremendous workload growth in recent years. Automation enables the judiciary to store, retrieve, manipulate, and communicate enormous amounts of information, and to speed the performance of certain tasks. Electronic filing, docketing, case management, bankruptcy noticing, and electronic public access to selected court records are but a few components of a critical automation infrastructure.

#### AUTOMATION MANAGEMENT

Congress set up the Judiciary Automation Fund in 1990 as a multi-year program to accelerate the automation of the judiciary. The Administrative Office, under the policy guidance of the Judicial Conference Committee on Automation and Technology, manages the fund. In fiscal year 1993, deposits totalled \$89 million. The agency is committed to modernizing the judiciary's automation systems and processes with these funds.

The Administrative Office has completed its first full year of implementing a life-cycle management methodology for automation-related projects. This structured process enables close monitoring and evaluation of the progress of all automation projects. As projects move from one phase to the next, milestone reviews are held to ensure the successful fulfillment of the necessary life-cycle requirements and to decide whether or not to proceed to the next phase of work. During 1993, all approved automation projects, products, and services were placed under this new process. For ongoing national products, a biennial review procedure is being developed. Once in place, the process will regularly review products and services to determine whether they should be continued, replaced, or abandoned.

The Administrative Office is also working with court users to assess the business process re-engineering methodology. Business process re-engineering focuses on busi-



ness processes that may have become outdated. Subsequently, these processes are redesigned to take advantage of new technology. Records management of official case documents, including all aspects of intake and docketing, will be the first project in the judiciary to be evaluated for redesign.

#### **INFORMATION RESOURCES MANAGEMENT**

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An essential element of the Information Resources Management (IRM) mission of the judiciary is implementing an automation program in the courts that uses human resources, information management, and information technology to carry out as effectively as possible the important work of the federal courts. The Administrative Office, in partnership with the courts, is implementing an automation program using state-of-the-market technology.

During 1993, the Administrative Office implemented a refined process for the management of resources (people, time, and money) associated with the judiciary's automation program. Internal processes and controls have been improved, enabling the Administrative Office to respond more effectively to the prioritized needs of the judiciary's automation users.

A draft Information Resources Management Manual and a draft Project Manager's Handbook have been circulated for comment within the Administrative Office and to all members of the automation umbrella groups. In addition, all court unit executives were offered the opportunity to review and comment. The Administrative Office has begun issuing IRM standards and bulletins, which provide detailed guidance for developers, unit executives, and systems support employees in areas such as architecture, data administration, and security.

#### **CASE MANAGEMENT SYSTEMS**

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The number of courts using integrated case management systems continued to increase during 1993. The Appellate Information Management System (AIMS) became fully operational in the District of Columbia circuit, bringing the total number of courts using AIMS to 10. The Fifth circuit decided to use AIMS, and requested staff and hardware implementation within one year. The Eleventh circuit has not requested the AIMS application and uses alternative systems. The appellate courts using AIMS have been actively sharing locally developed applications and, with the help of the Administrative Office, researching ideas such as the electronic transfer of district court information to the appellate courts.

The CIVIL case-management system is now used in 88 district courts and the CRIMINAL system has been installed in 58 district courts. Installation of the CRIMINAL application will be completed in fiscal year 1994 pending the availability of funds. In the bankruptcy courts, the Bankruptcy Courts Automation Program (BANCAP) electronic docketing system is installed and working in 71 districts. The other 20 bankruptcy courts, as well as the three districts that do not have separate bankruptcy courts (Guam, Northern Mariana Islands, and the Virgin Islands), are using the National Interim Bankruptcy System (NIBS). These systems help improve a court's efficiency by automatically

generating forms and customizing reports, enhancing statistical reporting, and indexing cases.

The Administrative Office has implemented a formal Integrated Case Management System product release program aimed at improving the method by which periodic software updates are developed. The new program stresses standardized procedures, documentation, testing, and reviews resulting in a product that is easier to support. Software updates are to be tested and released in a ready-to-use form in May and November of each year. Overall, the product has improved because the end-users are represented throughout the process and provide comments and give approval during the major steps in the development-release cycle. In May and November there were case-management software releases for the AIMS, BANCAP, CIVIL, and CRIMINAL applications.

The mainframe computer at the Administrative Office supports such applications as the personnel, payroll, statistical, and accounting systems, as well as the Bankruptcy Automated Noticing System.



#### CASE ASSIGNMENT SYSTEM

The Case Assignment System provides an automated means for random case assignments while retaining flexibility for direct assignment or recusal. A total of 69 district and bankruptcy courts are currently using the system.

#### PROBATION AND PRETRIAL SERVICES

#### AUTOMATED CASE TRACKING SYSTEM

The Probation and Pretrial Services Automated Case Tracking System (PACTS) is installed and operating in 21 districts, with another 40 districts scheduled for implementation in fiscal year 1994. This system meets a variety of case management and statistical requirements for probation and pretrial services officers, administrators, and support staff. One major benefit of the system is better tracking of offenders released to the community. Also, the system extracts required statistical data for electronic transmittal to the national probation and pretrial services databases.

#### CHAMBERS ACCESS TO SELECTED ELECTRONIC RECORDS

Chambers Access to Selected Electronic Records (CHASER) is a software application that facilitates the retrieval of case management information by judges and their staffs. CHASER was developed at the Administrative Office under the supervision of a joint subcommittee of the Judicial Conference Committees on Automation and Technology and Court Administration and Case Management. Some 25 districts are currently using the software, and these courts will be surveyed for suggestions on modifications and enhancements to the application. All district courts will be provided the equipment

necessary to run CHASER and will be offered the opportunity to have it installed over the next year.

#### **PUBLIC ACCESS TO COURT ELECTRONIC RECORDS**

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Public Access to Court Electronic Records (PACER) systems are now operating in 42 district courts and all 71 of the bankruptcy courts using BANCAP. A separate public access system has been installed and is operational in nine bankruptcy courts that use NIBS, and during 1994, public access systems will be installed in the remaining 14 courts that use NIBS. Also, a system for the electronic dissemination of opinions is now operating in eight appellate courts.

Previously, the Miscellaneous Fee Schedules were amended to add fees for electronic access to court data. This year, the Judicial Conference further approved the extension of fees for electronic public access to federal government users effective October 1, 1993. Working with the courts, the Administrative Office coordinated the implementation of procedures for billing and fee collection from federal agencies.

Also, the Administrative Office continues to assist the PACER Billing Center in San Antonio, Texas. The agency is considering these policy issues and operational concerns: delinquent debt and collection issues; establishing priorities for reimbursing the costs of providing these services and for expansion of these programs; identifying needs for technical modifications to the billing software; and defining the scope of exemptions from fees allowable by court order or local rule.

#### **COMPUTER-ASSISTED LEGAL RESEARCH**

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The Administrative Office, in conjunction with each circuit librarian, continued over the last year to manage the computer-assisted legal research (CALR) program. Through this program, LEXIS and WESTLAW are now available to all judges and their chambers staffs. CALR is also available to staff attorneys, federal defenders, *pro se* law clerks, probation and pretrial services officers, bankruptcy administrators, death penalty law clerks, and part-time magistrate judges with their own computer equipment. During 1993, the Administrative Office worked with contractors to make CALR available through the expanding data communications network and to provide additional instruction in CALR during automation training courses for judges.

#### **AUTOMATION SUPPORT CENTERS**

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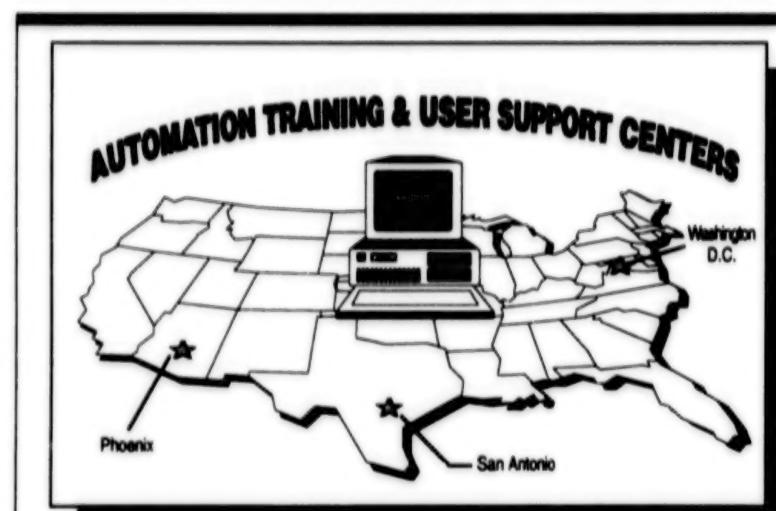
The Automation Training and User Support centers in Phoenix and San Antonio provide automation support and training for court employees. Until recently, the courts managed these centers for the Administrative Office. During 1993, the operations of the two centers were transferred to the Administrative Office. This transfer was completed October 1, 1993.

The two centers provide pre-automation training courses, end-user applications classes, and supplemental training in ICMS applications such as CIVIL, CRIMINAL, and BANCAP; in non-ICMS systems such as PACTS; and in related curricula for quality

control and technical trainers. In 1993 alone, 1,260 people were trained in ICMS applications and 384 people were trained in non-ICMS systems.

In addition, the center in San Antonio conducted a Judges' Office Automation Training Program for 120 participants. The course is designed for judges who are novice users of personal computers. The curriculum provides instruction in creating and editing documents, in using computer assisted legal research (CALR), an opinion retrieval system, and in using an electronic mail system.

The Administrative Office offers a Systems Administrator Program in Washington, D.C., which provides a broad spectrum of court systems management training ranging from operations procedures, such as backups and the installation of peripherals, to the design and maintenance of the ICMS database. Using a state-of-the-art dual projection system, the instructor is able to display simultaneously two large screen images of direct computer or video inputs. More than 150 systems administrators were trained in 1993.



#### BANKRUPTCY NOTICING CENTER

The production of millions of bankruptcy notices annually is a tremendous workload for the nations' bankruptcy courts. In June 1993, the Administrative Office awarded a contract to a single vendor to set up the Bankruptcy Noticing Center. The goals of the Bankruptcy Noticing Center are to increase efficiency through centralization of the noticing function; improve quality of notices produced through use of state-of-the-art printing, production, and delivery technologies; and to save money.

During 1994, the Bankruptcy Noticing Center will eventually replace the Administrative Office's Bankruptcy Automated Noticing System (BANS), which produced 26.5 million notices in 1993 for 15 of the largest bankruptcy courts. These courts and the Southern District of Florida will be the first to use the new center, which will be available to other bankruptcy courts in the future.

Compared to court-based noticing, the Bankruptcy Noticing Center should result in substantial savings to the judiciary during the five-year contract. The projected savings will result from the reduction of court staff needed to process notices, postal discounts, the elimination of the Bankruptcy Automated Noticing System, the elimination of the need for expensive court-based mail-handling equipment, and the elimination or reduction of envelopes, other supplies, and maintenance costs.

#### THE JUDICIARY'S OFFICE AUTOMATION PROGRAM GOAL

By the end of fiscal year 1993, there were 28,000 personal computers installed in the courts. In many cases, these computers serve as multi-function workstations for stand-

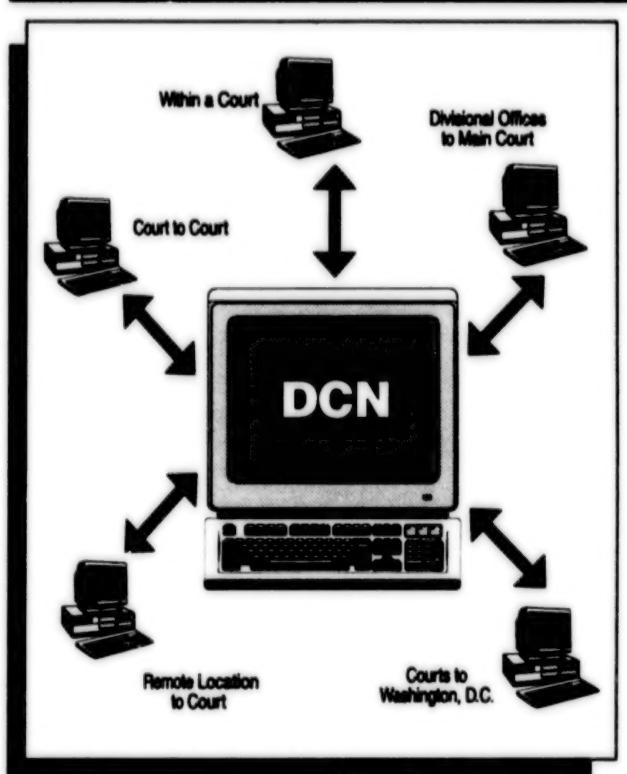
alone applications, allow access to shared services including external and internal databases, and permit the exchange of information over local- and wide-area networks. Based on the total number of computers installed, the judiciary has achieved its overall goal of providing personal computers to all court employees who need them. Since many of the personal computers installed in the courts are more than five years old, the program will begin to focus on cyclical replacement needs.

#### DATA COMMUNICATIONS NETWORK

The Administrative Office continued to manage the data communications network contract in 1993. The data communications network (DCN) is being installed nationwide using a phased approach approved by the Judicial Conference Committee on Automation and Technology. During 1993, the First Stage Acceptance Test was successfully completed

in the 18 pilot sites. The next phase is to complete the system's judiciary-wide framework. When the system is entirely operational, fully integrated data communications, document transfer, electronic mail, and access to internal and external databases in, among, and between the courts, the Administrative Office, the Federal Judicial Center, and public organizations will be possible.

Because of the importance, cost, and scope of the DCN, the Administrative Office enlisted the services of three independent consultants to assess the progress and future plans for the network. The consultants issued a report that validated and supported the judiciary's management strategy, and concluded that implementation of the network should proceed. The report contained 28 specific recommendations for improvement in three areas: contract management, information technology and data communications management, and project management. The agency is implementing these recommendations.



#### THE JUDICIARY'S FINANCIAL SYSTEMS

In this era of "doing more with less," managers must have up-to-date financial information, which can be provided only with modern, integrated financial systems. The judiciary's financial systems have not kept pace with the needs of court unit managers under budget decentralization, or with changes in internal and external business practices, reporting requirements, and technological advances. Advancing our financial systems will take several years and sufficient resources. However, the Administrative Office, working with the courts, made significant progress in 1993.

The Central Accounting System at the Administrative Office was successfully converted, ahead of schedule, from a contracted computer facility to the agency's mainframe computer. It was then upgraded from the existing obsolete version of software to the current updated version. Further enhancements of the system are planned to enable better reporting and control.

The Court Financial System is now operating and transmitting data to the Administrative Office in 42 district courts. Also, agency staff members successfully moved the Court Financial System from antiquated Motorola Four-Phase minicomputers in many courts to modern 486 personal computers, providing hardware stability and upgraded software.

In partnership with the Court Financial System Users' Group, a funds control application, developed in a local court and known as the Automated Spending and Accounting Package (ASAP), is being sponsored by the Administrative Office for national distribution. This application will be enhanced and offered to court units requiring financial automation assistance with budget decentralization. The system will be supported by the Administrative Office as an interim fund-control system pending long-term development and implementation of integrated financial systems.

The Administrative Office also initiated a pilot electronic disbursing program to test the feasibility of using other payment methods, such as electronic fund transfers, as an alternative to paper checks. If successful, productivity could be improved significantly.

#### **PERSONNEL/PAYROLL SYSTEMS**

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The judiciary needs a new automated personnel/payroll system in order to meet current requirements for payroll and personnel processing, proper internal control and audit standards, and management information. During 1993, the Administrative Office completed an analysis of system requirements and alternatives, and made a detailed cost comparison of the alternatives for a new payroll system. A course of action to replace the current system will be recommended in early 1994.

#### **JURY SYSTEM**

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The possibility of establishing a standardized, fully integrated automated jury system that would alleviate the time-consuming tasks associated with jury selection and juror processing continues to be explored. A fully automated jury system would establish and maintain random master and qualified wheels, electronically produce and scan questionnaires and summonses, provide quick and efficient tracking of jurors and juror status, calculate payments due to jurors, and provide information to the court's financial system.

The Committee on Automation and Technology approved an automated jury system project in December 1992. An analysis of alternatives to determine the design and development of the system was completed recently. The Jury User Group met in December 1993 and selected what it considered to be the best alternative to satisfy the requirements of an automated jury system. The alternative selected will use vendor services for wheel construction and maintenance, and questionnaire preparation, printing, and processing. It will also use commercial software to satisfy juror tracking and

payment requirements. Once approved by the Committee on Automation and Technology, contracts to procure the services and software will be prepared and executed.



Administrative Office employees collect and analyze detailed statistics on the workload of the courts. In 1993, they processed 2,900,000 statistical reports.

#### **IMPROVING STATISTICAL REPORTING**

One of the greatest challenges confronting the Administrative Office in recent years has been the need to find new and more efficient ways to manage the tremendous volume of data received from the courts. The increased presence of personal computers in the courts and the emphasis on improving efficiency through automation has provided many opportunities for progress in information management. The following activities represent steps being taken in this direction:

- **AUTOMATED DATA RETRIEVAL.** The inability to access readily the vast quantities of data contained in its statistical database systems has been a problem for the Administrative Office. As part of the solution to this dilemma, a data retrieval software package, Query by Example (QbyX), was recently linked to the agency's mainframe computer system. QbyX will provide the agency with on-line access to each of the statistical databases. Once the system is fully operational, Administrative Office employees will be able to provide special reports and answer ad hoc queries more quickly. The software should also help with the identification and correction of reporting problems.
- **BANKRUPTCY INFORMATION SYSTEM.** There is a great demand for information regarding bankruptcy filings. The Administrative Office has responded to these demands by taking a fresh look at the bankruptcy information system. Every effort is being made to develop a

system that produces timely, useful, and accurate information.

Long-range bankruptcy workload reports have been developed based on calendar year and fiscal year data. The courts are now able to examine trends and changes in the nature of their workload over ten-year cycles. Also, new methods of presenting financial information are being explored, particularly with regard to the distribution of assets in bankruptcy cases. Once the new bankruptcy information system is fully operational, new data validation procedures will increase efficiency and ensure the integrity of the bankruptcy database.

- **CIVIL JUSTICE REFORM ACT REPORTING.** Reports required by the Civil Justice Reform Act are designed to aid the implementation of cost- and delay-reduction plans in the district courts. The Administrative Office supports this effort by preparing semi-annual reports, by judicial officer, of motions pending over six months, bench trials submitted more than six months, and civil cases pending more than three years.

While information for reporting cases pending more than three years has been extracted electronically from the agency's civil database, other reports were prepared manually by the judges' staffs. This manual reporting process placed great demands on the resources of the courts and the Administrative Office. In 1993, software was designed and developed to operate with the Integrated Case Management System case-docketing systems that will greatly reduce the courts' burden in preparing reports required by the Civil Justice Reform Act. Initial testing of the software by pilot courts was completed and it should be released to all courts in 1994.

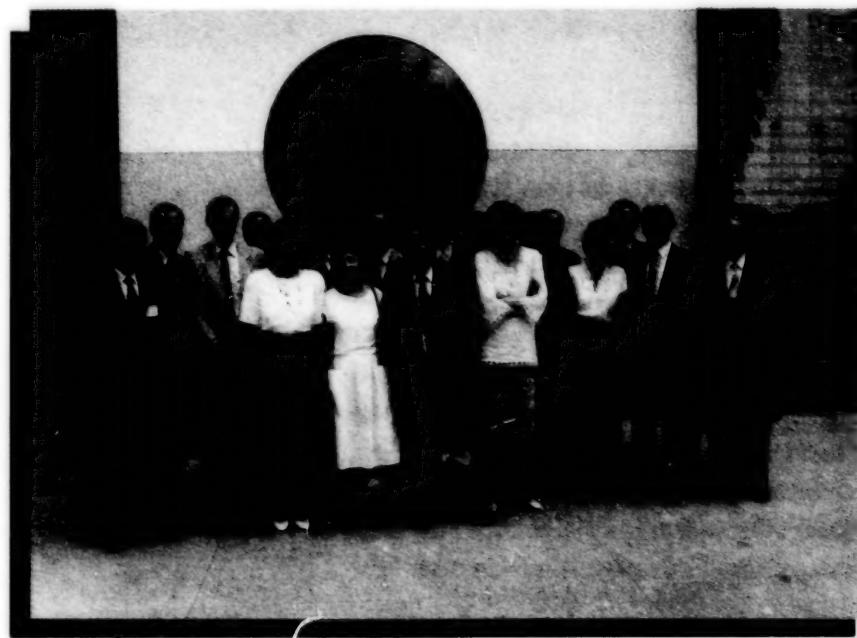
- **AUTOMATED TRIALS REPORTING SYSTEM.** A new automated trials reporting system has been designed for personal computers. Once testing is completed, the system will replace the manual system of reporting trials data in the courts. Reports and summaries of data will be produced by simply making a selection from a list of options available through the software application. Point-of-entry data validation of information will be done automatically by the software, permitting the courts to identify errors and make appropriate corrections before the data are forwarded to the Administrative Office. Another benefit is the electronic transfer of data, which will eliminate redundancy and the possible introduction of errors that can occur whenever data must be re-entered from manual forms.
- **MAGISTRATE JUDGES' REPORTING.** A new software program, Magistrate Judge Statistical System (MAGS), that enables direct electronic reporting of magistrate judge workload statistics, was distributed to court users in July. When fully implemented, MAGS will reduce the time needed to collect and analyze workload data, both by Administrative Office staff members and magistrate judges. The software also enables users to generate statistical reports covering any time period or aspect of a magistrate judge's caseload.

**P**ROVIDING SUPPORT FOR JUDGES is a key priority for all Administrative Office employees. This past year, the Administrative Office enhanced its orientation program for new nominees for Article III judgeships and for new chief judges. The one-day judicial nominee program introduces prospective judges to the services and support available from the Administrative Office. The program alerts judges to decisions they must make quickly, such as choosing the method for recording court proceedings or determining whether to join the Judicial Survivors' Annuity System. It also provides guidance on how to hire staff and organize chambers.

The two-day orientation program for chief judges includes presentations from senior Administrative Office staff members to introduce each new chief judge to the administrative responsibilities associated with the position. Each new chief judge is also given a manual that serves as a permanent reference.

#### **INTERNATIONAL JUDGES PROGRAM**

The federal judiciary has received an increasing number of requests from foreign dignitaries for information on how the justice system works in the United States. At its September 1993 meeting, the Judicial Conference established a permanent Committee on International Judicial Relations. This year, the Administrative Office, with the Federal Judicial Center, coordinated two separate programs on the jury system for 40 Russian judges, lawyers, and court employees. Orientation programs were also provided for 70 visiting judges from around the world. The Administrative Office also arranged for some court materials to be translated, and agency staff presented parts of the programs in foreign languages.



Twenty senior Russian officials took part in a seminar held in July 1993 at the Thurgood Marshall Federal Judiciary Building. The program, funded by the U.S. Agency for International Development, was designed by the Federal Judicial Center, the Administrative Office, and the State Department.

To emphasize the judiciary's interest, the Chief Justice hosted a luncheon at the Supreme Court on January 20, 1994—a day the federal government was closed due to severe weather in Washington, D.C. His guests included Secretary of State Warren Christopher and other foreign policy officials; Administrative Office Director L. Ralph Mecham; Federal Judicial Center Director William W Schwarzer; Judge Gilbert Merritt, former Chairman of the ad hoc Committee on International Judicial Relations; and Judge Michael Mihm, Chairman of the new Committee.

#### **STUDY OF THE AUTHORITY OF MAGISTRATE JUDGES**

The Administrative Office, under the supervision of the Committee on the Administration of the Magistrate Judges System, continues to study the authority of magistrate judges. The second and third parts of the study were completed during 1993. A *Constitutional Analysis of Magistrate Judge Authority* analyzes various Supreme Court and appellate court opinions that have examined the constitutional limits of the authority of magistrate judges. It also reviews Supreme Court opinions that have dealt with the authority of other non-Article III judicial officers, including bankruptcy judges. The third part of the study, an analysis of the legislative history of the Federal Magistrates Act, was published as a revision of Chapter 2 of the *Legal Manual for United States Magistrate Judges*. The first part of the study, *Inventory of United States Magistrate Duties*, was published in 1991.

#### **JUDICIAL RETIREMENT AND SURVIVORS' ANNUITIES**

The Administrative Office is the administrator of retirement and survivors' annuities trust funds for judges. This year, written standard operating procedures for these trust funds were completed. The procedures facilitate compliance with statutory provisions and U.S. Treasury Department policy for the judicial annuity systems by providing a ready reference for administering the many facets of the retirement and survivors' annuities systems.

#### **PUBLICATIONS ON RETIREMENT**

The Administrative Office published and distributed in early 1993 *Retirement Benefits for Bankruptcy Judges and Magistrate Judges*. The book provides a description and analysis of the various estate-planning options available to these judges and their families. In addition to describing the benefits available at retirement, the book discusses the financial consequences facing a retired judge who is contemplating a return to service.

The Administrative Office will soon publish a second retirement publication, *Senior Status and Retirement for Article III Judges*. Available in early 1994, this book will provide information to Article III judges and their families on the consequences of remaining in active service, taking senior status, retiring on salary, or resigning from office. In addition to information on estate planning, the book will provide judges with practical information regarding staff support services, the disposition of case-related documents and other government property, and related administrative matters.

**H**UMAN RESOURCES are the judiciary's most valuable asset, and over the last year the Administrative Office made significant progress in providing support to the courts in this essential area.

#### COURT PERSONNEL MANAGEMENT SYSTEM

This year, the Administrative Office concluded a four-year review of the Judiciary Salary Plan, the personnel classification and pay system for court employees. With extensive participation of court employees throughout the process, along with assistance

from the National Academy of Public Administration, a new more flexible system, the Court Personnel Management System, was designed to replace the Judiciary Salary Plan. At its September 1993 meeting, the Judicial Conference approved the new personnel system as well as decentralization of the system to the local level. Implementation will begin October 1994 with the conversion of all court employees, except chambers staff, court reporters, unit executives, and chief deputies, to the new system.

The new system increases classification flexibility, reduces the number of grades and broadens salary ranges, and simplifies job-qualification standards. Cost controls for the new personnel system, which is cost-driven rather than

rule-driven, will be developed as a joint effort with court managers. Delegation of compensation flexibility to court units is scheduled to occur by mid-1995 and delegation of classification authority is planned for October 1995.

#### BANKRUPTCY WORK MEASUREMENT PROJECT

Under the direction of the Committee on Judicial Resources, the Administrative Office is engaged in updating formulas used to determine staffing requirements for the courts. In a broad-based partnership between the Administrative Office and the courts, a staffing formula for bankruptcy clerks' offices was developed in 1993. A working group of clerks from eight bankruptcy courts reviewed the project methodology, work measurement instruments, and milestones. Nine subject matter experts, who were key to the project's success, were selected to accompany Administrative Office staff during visits to 28 headquarters and 23 divisional court offices to collect necessary information to develop a valid staffing formula. In December, the Judicial Resources Committee



"The new Court Personnel Management System will give court unit executives greater decision-making authority in personnel matters," says Myra Howze Shiplett, Assistant Director for Human Resources and Statistics.

approved the results of the bankruptcy work measurement study. The Executive Committee has approved immediate implementation of the new staffing formula for redistribution purposes only. The Judicial Conference will consider in March the Committee's recommendation that the formula be fully implemented in fiscal year 1995, subject to funding availability.

#### **EQUAL EMPLOYMENT OPPORTUNITY OFFICE**

The Administrative Office provides guidance and assistance to the courts on EEO matters and publishes reports evaluating the implementation of EEO plans in the judiciary. These efforts have been generally quite successful: employment of minorities, women, and handicapped individuals increased in the last reporting year.

#### **STAFFING EQUALIZATION**

Support positions for court units are distributed according to work measurement formulas. However, staffing disparities exist in the various clerks' offices and probation and pretrial services offices due mainly to funding shortages, different rates of attrition, and a sudden, unexpected drop in bankruptcy filings. Responding to concerns expressed by court executives, the Administrative Office worked closely with the Court Administration Advisory Council and the various court advisory groups to develop a plan for achieving a greater staffing balance in the most equitable way possible. The Executive Committee approved the so-called "staffing equalization" plan in mid-December for implementation in 1994. The Administrative Office will help the courts manage any downsizing efforts throughout the coming year.

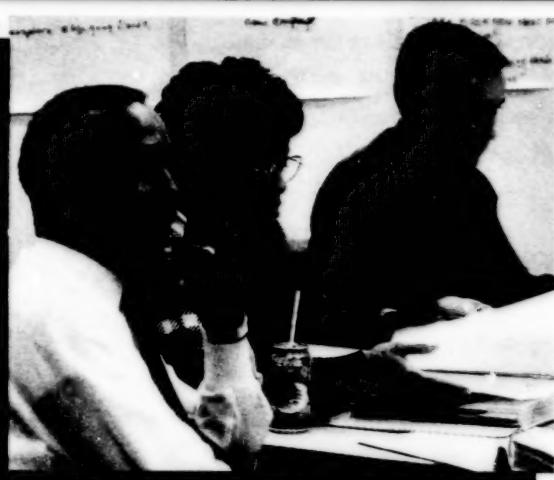
#### **THE ADMINISTRATIVE OFFICE PERSONNEL ACT**

Before the Administrative Office Act of 1990 passed, it was difficult for the agency to hire court employees due to complicated executive branch personnel rules and regulations. Under the authority of the Act, the Administrative Office has successfully hired experienced court employees, particularly computer specialists and management analysts.

As part of an effort to develop new and revised personnel policies and procedures for the Administrative Office, committees of agency employees were formed. In May 1993, the committees issued final reports, and responsibility for finalizing policy development was transferred to the Administrative Office Personnel Branch. So far, policies in 11 areas have been issued.

#### **ENHANCED TRAINING SERVICES**

In 1993, the Administrative Office prepared the *Administrative Office Training Catalogue* as a planning tool for court managers. The catalogue, which will be distributed in early 1994, describes course objectives and provides pertinent details regarding training the agency sponsors for court employees.



The Administrative Office offers a variety of training programs for court employees nationwide. In addition, the agency organized 30 training and development opportunities for Administrative Office employees in 1993.

The agency led over 50 training programs for court employees in fiscal year 1993. Workshops accounted for a third of the sessions; the others were seminars, technical courses, or conferences. In addition, 30 training and development sessions were held for Administrative Office employees.

Under the direction of the Committee on Automation

and Technology, the Administrative Office developed over the last year a national office automation education plan. The two-part plan aims to meet the needs of all court units and provides flexibility in selecting appropriate training. The first part of the plan offers training curricula and materials designed for use as self-help and reference guides as well as teaching tools and classroom aids. The second part offers training options for the courts to choose from based on an individual court's needs: classes; computer-based programs, videos, and compact discs; or interactive media.

To help improve training services to the courts, the Administrative Office signed an interagency agreement with the U.S. Department of Agriculture Graduate School to assess the training needs of court employees during 1994. The results of the assessment will be presented to the agency and shared with court advisory groups to develop recommendations for improving education and training services.

The Administrative Office works closely with the Federal Judicial Center in developing and providing training programs for judges and court employees. The Center provides expert assistance and consultation on the design and development of educational programs led by the Administrative Office, and the agency contributes to the content and presentation training sponsored by the Center.

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**S**PACE AND FACILITIES projects for the judiciary are currently subject to increased congressional scrutiny because they are taking a large and increasing share of the General Services Administration's (GSA) Federal Buildings Fund. Over the next few years, many courts throughout the country will experience operational inefficiencies resulting from severe space deficits. Unfortunately, the need for more facilities comes at a time when resources are short and the judiciary is trying to catch up after years of lack of attention from GSA. In response, the judiciary and GSA established a panel to address courtroom construction costs. The report of the Independent Courts Building Program Panel was issued in December 1993, making recommendations that will be considered and implemented in 1994.

For 1994, Congress has provided more than \$786 million for courthouse construction and alterations. The bill, however, includes a provision that allows the House Committee on Public Works and the Senate Committee on Environment and Public Works to disapprove projects not already authorized. If no action is taken by February 1, 1994, to disapprove a project, an unauthorized project can proceed.

#### **NATIONAL PERFORMANCE REVIEW RECOMMENDATIONS ON REAL PROPERTY ADMINISTRATION**

One of the action items in the Vice President's *National Performance Review* strongly recommended that GSA's Administrator place an immediate hold on the acquisition, construction, and leasing of facilities. On September 16, 1993, Roger W. Johnson, GSA Administrator, issued a press release that called for a "time out" to review all construction, modernization, and major lease projects, including federal courthouses. With the help of the Judicial Conference's Committee on Security, Space, and Facilities, the Administrative Office is working with GSA to determine the impact this will have on the judiciary's space program.

The Vice President's report also recommends that all of GSA's clients, including the judiciary, assume many tasks previously performed by GSA. Since the provision of space and facilities is the only administrative area in which the judiciary is fully dependent on another branch of government, independence from GSA has been a top priority since 1989. The Vice President's report appears to support the judiciary's position because it recognizes that the users of space and facilities-related services are in the best position to determine their requirements and should be responsible for making those decisions.

Last September, a judiciary representative presented to the Senate Subcommittee on Water Resources, Transportation, Public Buildings, and Economic Development the judiciary's views on implementing the Vice President's recommendations pertaining to GSA and the impact those recommendations will have on the federal judiciary. The Administrative Office will be working with GSA and Congress over the next year to guide implementation of the recommendations as they pertain to the judiciary.

#### **LONG RANGE FACILITIES PLANNING PROCESS**

As described earlier, the judiciary continues to expand its long-range planning capability. During 1993, the General Accounting Office (GAO) conducted a study of the judiciary's long-range planning facilities process and presented its findings to the House Subcommittee on Public Buildings and Grounds. The report acknowledges the judiciary's initiative in undertaking a project of such magnitude and complexity and recognizes the difficulty of projecting future space needs with precision.

Judiciary representatives responded to the GAO Report at a hearing before the House Subcommittee. The testimony focused on the fact that the Administrative Office is continuously trying to improve long-range planning for its facilities and welcomed the report's recommendations. The agency has done some statistical fine tuning to the process and will be working with congressional staff during 1994 to reach consensus on outstanding issues.

### THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING

The federal judiciary support agencies in Washington, D.C., have now occupied the Thurgood Marshall Federal Judiciary Building for more than a year. Being in one location has proven to be a tremendous benefit because it has resulted in greater operational efficiency and effectiveness for these agencies and in improved morale. The Architect of the Capitol has designated the building as the last monumental building to be constructed on Capitol grounds. Originally named the Federal Judiciary Building, the structure will be formally rededicated as the Thurgood Marshall Federal Judiciary Building in 1994.



The Thurgood Marshall Federal Judiciary Building, which was completed October 1, 1992, was prominently featured in the February 1993 issue of *Architecture* magazine. The building is home to the federal judiciary support agencies in Washington, D.C.

The building was not authorized under the Public Buildings Act, or managed by the General Services Administration, but was the result of a leasing agreement between the Architect of the Capitol and a private builder. This unique arrangement is very much in keeping with the *National Performance Review* recommendation to "expose federal operations to competition." It is worth noting that the building was completed under budget and on time. A recent analysis by the Administrative Office revealed that this building cost less per square foot to construct than comparable office space in Washington, D.C.

The seven-story building contains 615,000 square feet of office space and can accommodate up to 2,300 people. Its common-use areas include a law library, child development center, fitness center, health unit, cafeteria, and credit union. Judicial Conference committees and advisory groups also hold meetings in the building.

#### **COURT SECURITY**

Assuring that courts have safe and secure environments in which to conduct their business continues to be a high priority for the Administrative Office. Currently, the lack of sufficient resources to provide an appropriate level of security at new and expanded court facilities is a major concern and will be for the foreseeable future. The Administrative Office is working with the U.S. Marshals Service to explore ways of providing an appropriate level of security to an expanding federal judiciary during these times of limited resources.

The U.S. Marshals Service identified an urgent need for 156 additional court-security officer positions in fiscal year 1994 to provide a security presence at 41 new or expanded court facilities. Without more funding, it will be necessary to review staffing allocations in all courts and, where appropriate, redistribute existing court-security positions so that judges have at least a minimum essential level of security. The Administrative Office and the U.S. Marshals Service developed staffing standards to be used for evaluating security at particular court facilities. The Judicial Conference Committee on Security, Space and Facilities approved the standards at its June meeting.

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**P**ROBATION AND PRETRIAL SERVICES offices nationwide play a critical role in the criminal justice system. The programs themselves, and the six thousand employees who comprise the federal probation and pretrial services system, are supported by the Administrative Office. The system has weathered many changes over the years. After 32 years of service in the system, Donald L. Chamlee, Chief, Probation and Pretrial Services Division, will be retiring in February 1994; his successor, Eunice R. Holt Jones, Chief Probation Officer in the Southern District of New York, will guide and support the system in meeting future challenges. The following are highlights of activities in this area during 1993.

#### **ALTERNATIVES TO INCARCERATION**

The availability of electronic monitoring technology provides an effective sentencing alternative and intermediate sanction for offenders in need of punishment and strict monitoring but not imprisonment. Electronic monitoring permits 24-hour surveillance and provides the necessary structure and control for certain offenders, allowing jail and prison space to be used for those offenders for whom incarceration is more appropriate. In 1993, the Administrative Office awarded a contract for electronic monitoring services to a firm in Boulder, Colorado. This contract facilitates home confinement as an

alternative to more costly incarceration in appropriate cases. Another benefit of the contract is that uniform procedures for ordering and installing electronic monitoring devices will be implemented nationwide.

#### **PRETRIAL SUPERVISION STANDARDS**

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At the direction of the Judicial Conference Committee on Criminal Law, the Administrative Office formed a task force to develop standards for the supervision of persons on pretrial release. These standards were implemented in 1993 to increase the likelihood that persons released on bail will appear in court and remain law abiding until they are tried. The agency, with the Federal Judicial Center, provided training for pretrial services officers from 54 districts. The standardization of practices is expected to result in better service to the courts and improved communication among districts.

#### **SUBSTANCE ABUSE TREATMENT PROGRAM REVIEW**

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The Administrative Office began a comprehensive review of the judiciary's Substance Abuse Treatment Program in 1993. All aspects of the program will be reviewed including treatment, testing, and training. A panel including state program administrators, academicians, and probation and pretrial services officers was organized to define the "state of the art" in drug testing and treatment. The results will be used to measure the overall effectiveness of the program and make improvements.

#### **NATIONAL FINES CENTER PROJECT**

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As specified by the Criminal Fine Improvements Act of 1987, the judiciary is responsible for processing the financial sanctions imposed on criminal defendants in the federal courts. Sanctions include fines, special assessments, and restitution payments.

The statute also required the Director of the Administrative Office to establish the National Fines Center System to process, receive, and report on the payments related to these sanctions. The Administrative Office made this project a top priority in 1993. A dedicated team is developing comprehensive functional requirements and a plan to design, develop, and implement the system.

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**SPECIALIZED MANAGEMENT ASSISTANCE** to the judiciary is a top priority for the Administrative Office. During 1993, the agency completed 304 management support initiatives. These included surveys of magistrate judges, property and procurement assistance visits, reviews of the use of new automation system installations, and management reviews and evaluations of clerks' offices and probation and pretrial services offices.

At the request of the chief judges for the District of Puerto Rico and the Central District of California, two comprehensive program and management studies were

undertaken this past year. Review team members from the Administrative Office and other courts were selected based on expertise or background in specific aspects of court management or operations. The teams examined current court operations, identified opportunities for improvement, and recommended changes that will result in more efficient and effective operations.

The Administrative Office also provides support and assistance to the courts through many other special programs and projects. Included among those are the following:

*During 1993, the agency completed over 300 management support initiatives.*

#### **GUIDELINES FOR THE BANKRUPTCY ADMINISTRATOR PROGRAM**

Legislation enacted in 1990 gave bankruptcy administrators, who oversee the administrative aspects of bankruptcy cases in the six judicial districts of Alabama and North Carolina, standing to be heard on any issue in a bankruptcy case. The Judicial Conference, at its March 1993 meeting, approved revised regulations and guidelines governing the activities of bankruptcy administrators. The revised regulations and guidelines incorporate the enhanced role that the acquisition of standing affords to bankruptcy administrators.

Also, the Administrative Office developed standards to be used in auditing bankruptcy trustees serving in Chapter 7 cases. Audits of individual trustees, who are private citizens appointed to administer bankruptcy estates under the supervision of a bankruptcy administrator, will begin in 1994.

#### **FINANCIAL AUDIT PROGRAM**

Beginning in August 1993 (October 1993 for contractor audits), the Administrative Office expanded the scope of the judiciary's financial audit program to include defender services offices and probation and pretrial services offices. Cyclical audits also include circuit executives' offices, staff attorneys' offices, and circuit librarians' offices, as well as the clerks' offices in the appellate, district, and bankruptcy courts. Although the audit cycle will increase slightly from two years to about two and one-half years, the expanded audit program provides more comprehensive coverage of the judiciary's funds.

Additional testing of financial transactions, reviews of internal funds controls, and payroll certification in each court unit will help ensure that the judiciary's scarce resources are used effectively and efficiently. Overall, the new financial audit program will increase the prevention and deterrence of misappropriation or error.

#### **PROGRAM MANUALS**

The Administrative Office, with the help of clerks and other court employees, published a program manual for clerks of the district courts. The manual includes a comprehensive analysis of the pertinent statutory and rule provisions that affect clerks' offices, recommends effective procedures, and contains sample forms and model local

rules. Like the previously published bankruptcy clerks manual, the district court manual is designed as a basic reference and training guide for new clerks and a convenient reference work for more experienced clerks.

A third edition of the bankruptcy clerks manual is being prepared and will be published in early 1994. It will include changes in federal and bankruptcy rules since the last edition was published and update and amend other important information.

At the request of the Appellate Court Clerks Advisory Committee, Administrative Office staff members began working on a comprehensive manual for appellate clerks in a format similar to that of the other two court clerks' manuals. An editorial board has been selected, chapters have been assigned, and preparation is underway.

Under the direction of the Case Management Subcommittee of the Committee on the Administration of the Bankruptcy System, a case-management manual for bankruptcy judges is nearly complete. In addition to the subcommittee members, 16 bankruptcy judges and two bankruptcy clerks are assisting the subcommittee.

## **COMPENDIUM OF FEES**

This past year, the Administrative Office published the *Compendium of Fees in the Federal Judiciary Court Systems*, which compiles for the first time in one document detailed information on all fees currently collected by the judiciary, the statutory authority for such fees, and appropriate disposition of collected revenues. Use of the compendium will help maintain consistency in designating fees and improve fee collection throughout the federal court system.

## **INTERPRETING BY TELEPHONE**

A pilot study to test the use of telephone systems to provide off-site interpreting services continued throughout 1993, and early results are favorable. This project offers an opportunity to improve the availability of certified or otherwise qualified interpreters to the federal courts, as well as an opportunity to save significantly on travel expenses for interpreters.

## COURT REGISTRY INVESTIGATION SYSTEM

Managed by the Administrative Office, the Court Registry Investment System completed its third full year of operation in 1993. Under this system, registry funds of participating courts are pooled, and large Treasury securities or notes are purchased and kept at the Federal Reserve Bank in Houston. A market rate of interest is applied, and funds are completely secure. This program does not depend on the banking system, which eliminates the need for collateral. On September 30, nearly \$1 billion from 13 participating courts was invested in the system.



# N PROFILE

## THE ADMINISTRATIVE OFFICE OF THE UNITED STATES COURTS

### STATUTORY AUTHORITY

28 U.S.C. §§ 601-612. Congress established the Administrative Office of the United States Courts in 1939 to provide administrative support to the federal courts.

### SUPERVISION

The Director of the Administrative Office carries out the statutory responsibilities and other duties under the supervision and direction of the Judicial Conference of the United States, the principal policy-making body of the judiciary.

### RESPONSIBILITIES

All responsibility for the Administrative Office of the United States Courts is vested in the Director, who is the chief administrative officer for the federal courts. Under his direction, the agency carries out the following functions:

- ◆ Implements the policies of the Judicial Conference of the United States and supports its network of 26 committees (including advisory and special committees) by providing staff to plan meetings; develop agendas; prepare reports; and provide substantive analytical support to the development of issues, projects, and recommendations.
- ◆ Supports over 2,000 judicial officers, including active and senior appellate and district court judges, bankruptcy judges, and magistrate judges.
- ◆ Advises court administrators regarding procedural and administrative matters.
- ◆ Provides program leadership and support for court clerks, staff attorneys, librarians, bankruptcy administrators, and other court employees.
- ◆ Guides and supports more than 3,800 probation and pretrial services officers.
- ◆ Provides leadership and support for the federal defender program.

#### **Programs**

##### **Human Resources**

*Peter J. Howze, Assistant Director*

*273-1500*

Manages services provided to the courts for human resources, probation and pretrial services, clerks of court, circuit executives, staff attorneys, court reporters, and interpreters, including the development of budgets, allocation of resources, and management of national programs.

##### **Facilities, Security**

##### **and Administrative Services**

*P. Gerald Thacker, Assistant Director*

*273-1200*

Manages services provided to the courts in the areas of court security, relocation and travel, contracts and services, and space and facilities, and provides administrative services for the Administrative Office itself; serves as the primary contact on real property administration matters with the General Services Administration.

##### **Finance and Budget**

*Richard A. Ames, Assistant Director*

*273-2000*

Manages the budget, accounting, and financial systems of the judiciary; provides information on the impact of proposed legislation upon the judiciary; and prepares financial analyses on judiciary programs.

##### **Human Resources and Statistics**

*Myra Howze Shipler, Assistant Director*

*273-1277*

Manages services provided to the courts in the areas of statistics, personnel, payroll, health and retirement benefits, and equal employment opportunity.

##### **Legal Programs**

*Peter G. McCabe, Assistant Director*

*273-1800*

Supports the judiciary's long-range planning efforts; oversees the formulation and promulgation of federal rules of practice and procedure; delivers legal and administrative services to judicial officers including Article III judges, bankruptcy judges, and magistrate judges.

*Managers and staff of the Administrative Office are dedicated to serving the federal judiciary. The agency's accomplishments reflect the efforts of all its employees, working in concert with the courts. Although fiscal year 1993 was a year of significant progress for the Administrative Office, it presented many challenges: providing the highest quality of service to the courts despite shrinking resources; working with Congress to get the resources and legislative changes the judiciary needs; continuing to improve administrative and management systems and processes; supporting the Judicial Conference and its committees; and re-engineering operations to meet workload demands and take advantage of emerging technologies.*

*In the years ahead, the agency aims to continue to identify ways to save costs, improve service, and implement solutions that will enable employees to do the best job they can. These efforts are necessary if the Administrative Office is to meet its main objective, which continues to be providing the courts with the highest level of service to further the accomplishment of their critical mission.*

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THURGOOD MARSHALL FEDERAL JUDICIARY BUILDING  
WASHINGTON, D.C. 20544

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**03/07/96**